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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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11 IN RE BEXTRA AND CELEBREX
12 MARKETING, SALES PRACTICES AND
13 PRODUCT LIABILITY LITIGATION,
14 _____/

No. MDL 05-01699 CRB

**ORDER RE: MOTION TO
WITHDRAW AS COUNSEL**

15 *This document relates to:*

Paul Kahl	06-0159
Bennie Henderson	06-0159
Lula Eckols	06-0159
Melissa Griffin	06-0159
Maggie Mae Gross	06-0159
Jeffrey Dubose	06-0159
Lue Ella Jones	06-0159
Dorothy Clark	06-0159
Freddie Triplett	06-0159
Joe Lewis Brown	06-0159
E.Q. Eckford	06-0159
Dianne H. Baer	06-0159
Eone Virgil	06-0159
Antoinette Abram	06-0160
Sharon Johnson	06-0160

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24 Now pending for decision are the motions of the Gibson Law Firm to withdraw as
25 counsel for plaintiffs in the above actions. The Gibson Law Firm has not submitted a
26 declaration in support of its motion to withdraw. Instead, it states in its motion that in or
27 about November 1, 2005, counsel mailed a letter to all of the plaintiffs in the above actions
28 suggesting that they dismiss their claims with prejudice.

1 The letter also advised that if a party would not agree to dismiss, counsel would move to
2 withdraw and the party should seek new counsel. Some of the plaintiffs responded by
3 agreeing to dismissal. Some of the plaintiffs, namely plaintiffs Paul Kahl, Bennie
4 Henderson, Lula Eckols, Melissa Griffin, Maggie Mae Gross and Jeffrey Dubose advised
5 counsel that they wished to pursue their claims. And the letters to the other plaintiffs,
6 namely, Lue Ella Jones, Dorothy Clark, Freddie Triplett, Joe Lewis Brown, E.Q. Eckford,
7 Dianne H. Baer, Eone Virgil, Antoinette Abram and Sharon Johnson, were returned to
8 counsel "as the addressee refused, never accepted or never collected the certified letter."


9 The motion to withdraw is DENIED as to the latter plaintiffs, those whose letters from
10 counsel were returned to counsel. The denial is without prejudice to counsel bringing a
11 renewed motion which documents, by declaration and exhibits, the efforts counsel has made
12 since November 2005 to locate their clients.

13 Counsel represents that the other group of plaintiffs, those who wish to proceed with
14 their cases, do not object to the withdrawal of the Gibson Law Firm; however, they seek a 60
15 day continuance to obtain new counsel. Counsel's motion to withdraw then states that if new
16 counsel does not make an appearance within 60 days, the plaintiffs' claims shall be
17 dismissed.

18 The Court is not prepared to grant counsel's motion to withdraw at this time. First,
19 counsel must submit a declaration under oath that attests to the representations made in the
20 motion. The declaration should also specify whether these plaintiffs have complied with
21 PTO 6 regarding plaintiff fact sheets. Such declaration may be filed under seal to the extent
22 counsel wishes to include information not disclosed in the moving papers that counsel
23 believe should remain confidential. Second, counsel shall submit as an exhibit to the
24 declaration a copy of the letter sent to the plaintiffs. The letter may be filed under seal. The
25 declaration and exhibit shall be filed within 10 days of the date of this Order.

26 **IT IS SO ORDERED.**

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28 Dated: November 1, 2006



CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE

United States District Court

For the Northern District of California

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